

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUCERNE TEXTILES, INC.,

Plaintiff,

-against-

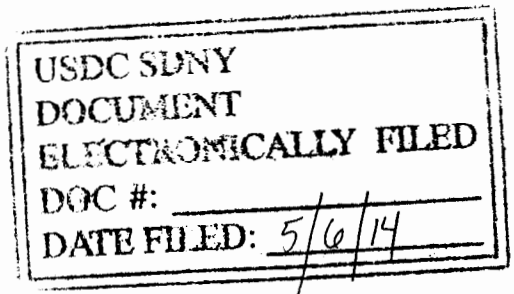
JONES APPAREL GROUP USA, INC.
and DENMOSS, INC.

Defendants.
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SHIRA A. SCHEINDLIN, U.S.D.J.:

Civil Action No. 14 Civ. 1097 (SAS)(RLE)

SCHEDULING ORDER



NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

1. The conference was held on May 6, 2014. Kenneth R. Schachter, Esq., Sills Cummis & Gross P.C., appeared for plaintiff and Samuel Cohen, Esq., Stecklow, Cohen & Thompson, appeared for defendants;
2. Automatic disclosures will be exchanged by May 9, 2014; 
3. In this case Lucerne Textiles, Inc. ("Lucerne") claims a design sold by Denmoss, Inc. ("Denmoss") to Jones Apparel Group USA, Inc. (the "Denmoss Design") infringed Lucerne's copyright in a certain textile design (the Lucerne Design"). Denmoss, Inc. ("Denmoss") in turn claims that the Lucerne Design infringes Denmoss' copyright in the Denmoss Design.

4. Discovery:

(a) Depositions:

By Plaintiff. Defendants Rule 30(b)(6) witnesses concerning the creation of the Denmoss design, defendants sale of goods containing the Denmoss Design; the revenues realized

by defendants from their sale of the Denmoss design and the costs defendants will claim should be deducted from their revenue to calculate the profits they earned from their infringing sales. The designer(s) who created the Denmoss Design.

By Defendants. Plaintiff's Rule 30(b)(6) witnesses concerning the creation of the Lucerne Design, Lucerne's sale of goods containing the Lucerne Design, the revenues realized by Lucerne from its sale of the Lucerne Design and the costs Lucerne will claim should be deducted from its revenue to calculate the profits it earned from its infringing sales. The designer(s) who created the Lucerne Design.

July - October

(b) The parties shall serve document demands by May 23, 2014, and provide responses to same by or before June 20, 2014

(c) The parties shall (i) serve expert reports by December 5, 2014 and (ii) complete expert's depositions by January 9, 2015;

(d) Fact discovery is to be completed on October 31, 2014;

(e) Plaintiff will supply its pre-trial order matters to defendants on February 9, 2015;

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(f) The parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial on March 9, 2015; and

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(g) The parties will appear for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), on Nov. 12 at 4:30

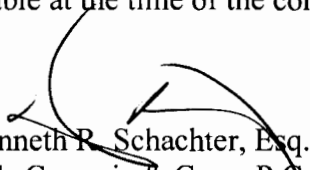
5. The parties will submit a Stipulated Protective Order to the court;

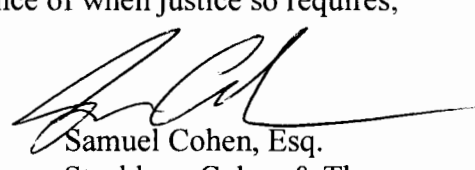
6. There are no discovery issues at this time.

7. The parties may offer expert testimony on textile design creation and financial analysis of sales and revenue concerning the accused infringing products.

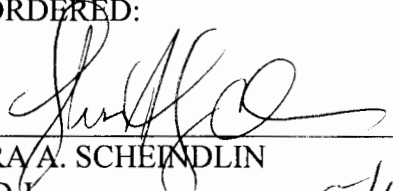
8. The case will be tried before a jury with expected trial length of 3 to 4 days.

9. The Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;


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SO ORDERED:


SHIRA A. SCHEINDLIN
U.S.D.J.

5/6/14